MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023

UCL1622 - CONSTITUTIONAL LAW II

(All Sections / Groups)

11 JULY 2023
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Federal Constitution
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

COMPULSORY QUESTION.

QUESTION 1

DSP Gopal, a high ranking police officer attached to the Penang police headquarters, is seeking your advice as to the following:-

i) Abu and Ali are police constables. They were instructed by their immediate superior to go immediately to the CIMB bank in Jalan Penang due to a fight between two groups of men. The two constables were 50 minutes late in arriving at the scene. They arrived at the scene late because Ali had to rush to school first to fetch his son home. Also, a third constable, Angus, has not been reporting for duty for the past 22 days without informing his superiors. His superiors are unable to contact him.

(10 marks)

ii) An elderly lady complained that four policemen stopped her car in town and conducted a search on her vehicle. No reasons were given to her when she enquired as to why her car was being searched. Her car was subsequently detained for a further three days at the police district headquarters. When her car was returned to her, the front and back windscreens were broken.

Would your answer be any different, if a robbery had been committed in the morning and the witnesses' description of the getaway car resembles the car of the complainant?

(15 marks)

(Total: 25 marks)

Continued...

ANSWER ANY THREE OUT OF THE FOLLOWING FOUR QUESTIONS.

QUESTION 2

The right to life and the right to liberty of a person can be too easily removed by the Legislature. There are basically no limitations on the exceptions allowed in the Federal Constitution pertaining to these rights.

Discuss with reference to the necessary constitutional provisions and case laws.

(Total: 25 marks)

QUESTION 3

"The Legislature in Malaysia has simply passed too many statutes in relation to the limiting of the fundamental rights as enumerated under Article 10 of the Federal Constitution. Article 10 therefore serves no useful purpose."

Discuss the accuracy of this statement with reference to the necessary statutes and case laws.

(Total: 25 marks)

QUESTION 4

"The power granted under Articles 149 and 150 of the Federal Constitution were intended to be temporary in nature to deal with special situations."

Discuss the necessities of having these provisions in the Federal Constitution and suggest safeguards against the possible misuses of the powers granted thereunder.

(Total: 25 marks)

Continued...

QUESTION 5

Freedom of religion under Article 11 of the Federal Constitution is surrounded by some deeply controversial issues that defy easy resolution.

Discuss. Cite the necessary case laws.

(Total: 25 marks)

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